

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ZHILA JONES,)
Plaintiff,)
v.)
REVIVE DEBT COLLECTION) Case No. CIV-17-349-D
CORP.,)
Defendant.)

ORDER

This matter is before the Court on Plaintiff's Motion for Default Judgment [Doc. No. 6], filed September 13, 2017. Plaintiff filed this action against Revive Debt Collection Corp. ("Revive") on March 28, 2017, alleging violations of the Fair Debt Collection Practices Act and seeking damages pursuant to 15 U.S.C. § 1692k.

The Court has subject matter jurisdiction and venue is proper in this district. 28 U.S.C. §§ 1331, 1339(b)(2). The Clerk’s Entry of Default was entered against Revive on June 15, 2017 [Doc. No. 5]. Plaintiff filed her Motion for Default Judgment on September 13, 2017 [Doc. No. 6]. Plaintiff is seeking statutory damages of \$1,000.00 and attorney’s fees and costs. Revive has made no appearance in this case, and the time for Revive to respond to Plaintiff’s motion has expired. *See* LCvR 7.1(g).

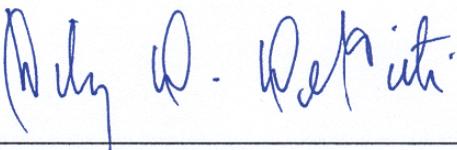
Based upon the foregoing, the Court finds Revive is in default. Once the default is established, the “well-pleaded factual allegations of the plaintiff’s complaint are taken as true, except those allegations relating to the amount of damages.” *See Mathiason v. Aquinas Home Health Care, Inc.*, 187 F. Supp. 3d 1269, 1274 (D. Kan. 2016). The Court,

taking the factual allegations of Plaintiff's Complaint as true, finds that Plaintiff is entitled to default judgment against Revive. Additionally, having reviewed Plaintiff's Motion for Default Judgment, the Court finds that Plaintiff is entitled to statutory damages in the amount of \$1,000.00. *See* 15 U.S.C. § 1692k(a)(2)(A).

Plaintiff is granted leave to file a properly supported motion for attorney's fees and costs in accordance with the Court's Local Rules within 14 days from entry of this order.

Accordingly, Plaintiff's Motion for Default Judgment [Doc. No. 6] is GRANTED. The Court will enter a separate Default Judgment.

IT IS SO ORDERED this 5th day of October 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE